IN THE HIGH COURT OF BOMBAY AT GOA
****

WRIT PETITION NO. 126 OF 2003

1. The Chairman,
   Chowgule Education
   Association,
   Vasco da Gama, Goa, and

2. The Headmaster,
   Mata Secondary High School,
   Vasco da Gama, Goa, ...Petitioners

Versus

1. Ashok Namdeo Bhosle,
   r/o Kavathemahankal,
   Post Ranjani, District
   Sangli,
   Maharastra,

2. Shri Sagar Nai,,
   Physical Education Teacher,
   Mata Secondary High School,
   Vasco da Gama, Goa,

3. Director of Education,
   Government of Goa, Panaji,
   Goa,

4. Administrative Tribunal,
   Goa, Panaji, Goa. ... Respondents.

Shri S. D. Lotlikar, Senior Advocate with Shri A. D. Bhobe, advocate for the petitioners.

Shri D. P. Bhise, for respondent no.1.

Shri H. D. Naik, Addl. Government Advocate for the respondent no.3.

CORAM : F. I. REBELLO, J.

DATE : 31st July, 2003.

ORAL ORDER

In the Order of the Adminsitrative Tribunal dated 20th November, 2002, at paragrah 3, it is set out that the petitioners herein resisted the application for condonation of delay on the ground that the respondent no.1 misled

himself by filing Writ Petition on 8th February, 1992, when an appeal had to be filed. The Tribunal observed that the petitioners herein resisted the application of the respondent no.1, applicant before it, on the ground that the cause of action arose on 6th September, 1991 and the applicant/respondent no.1 herein should have filed an appeal before 14th February, 1992, but the said applicant misled himself by filing the Writ Petition on 8th February, 1992.

That really would not be material for, if the petitioner was pursuing bona fide the petition in a court not having competent jurisdiction, this delay for the purpose of the Limitation Act could be considered for exclusion considering Section 14 of the Act.

2. It is further contended on behalf of the petitioners that in fact the letter of termination is of 12th August, 1991 and therefore the Tribunal erred in proceeding on the footing if the period when the petition was pending before this Court is excluded, that would be sufficient cause for condoning the delay. It is contended that from the date of termination, which was 12th August, 1991, till the filing of the petition before this Court on 8th April, 1992, time had expired for filing the appeal and no explanation has been given therefor. It is pointed out on behalf of the respondents that against the order of

termination an internal appeal was filed to the Director of Education, which came to be disposed of the Director of Education on 14th January, 1992.

Considering the above, to my mind, the order does not disclose any error apparent on the face of the record. The matter was within the discretion of the Tribunal who has exercised it in favour of the respondents.

In the light of that no interference is called for in the extraordinary jurisdiction of this High Court. Petition rejected.

F. I. REBELLO, J.

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